CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 99-091

ADOPTION OF FINAL SITE CLEANUP REQUIREMENTS AND RESCISSION OF ORDER NO. 95-141 FOR:

WACHOVIA REAL ESTATE FUND, AND
WACHOVIA BANK OF NORTH CAROLINA, N.A., AND
BANK OF NEW YORK TRUST COMPANY OF CALIFORNIA, AND
ORTON DEVELOPMENT, INC.

for the property located at

26545-63 CORPORATE AVENUE,
HAYWARD, ALAMEDA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Board), finds that:

1. **Site Location**: The Site is located at 26545-26563 Corporate Avenue, Hayward, Alameda County. The site comprises approximately 1.6 acres of the Eden Rock Industrial Park, a mixed-use office-industrial development constructed in the mid-1970s. Site facilities consist of a 20,000 square foot warehouse. The buildings south of the Site are owned by the Utah State Retirement Fund at 26569-75 Corporate Avenue, Lusk Metals at 26587 Corporate Avenue, and Jacobs Investment, at 26599 Corporate Avenue. The Site is bounded on the East by Corporate Avenue and on the west by a large warehouse distribution facility. Eden Creek located approximately 3,000 feet to the west of the Site drains into San Francisco Bay.

2. **Site History**: Prior to Site development in 1977, the area was part of a salt-water marsh and agricultural lands. Former occupants of the Site include Xerox, South Bay CRT, Budget Furniture Rentals, and Bakery Specialty Products. Xerox used the Building for storage from 1977 to 1985. South Bay CRT, which re-manufactured cathode ray tubes, occupied the Building from 1984 to 1987. Budget Furniture Rentals used a part of the building for furniture storage and refurbishment from 1987 to 1991. Bakery Specialty Products occupied the remaining portion of the Building from 1988 to January 1994. Unauthorized releases of volatile organic chemicals impacting groundwater below the Site are believed to have occurred during the mid to late 1980s.

3. **Named Dischargers:** The Wachovia Real Estate Fund is a commingled trust fund the corpus of which included the property and so is named as a discharger. The Wachovia Bank of North Carolina, N.A., the trustee of the Fund, is named as a discharger because it is the trustee of the Fund and formerly had authority to direct the management and disposition of the Site property. The Bank of New York Trust Company of California is named as a discharger because it was the title record holder in its capacity as the ancillary trust for the Bank as trustee for the Fund. Orton Development, Inc. is named because it is the current title holder of the property.

   Although previous tenants including South Bay CRT and Budget Furniture Rental would be considered dischargers by virtue of their business activities and chemical use on Site, Board staff have been unable to locate these companies and they no longer appear to be in business. Subsurface investigations indicate that the source area for the VOC contamination is the southwest corner of the Site. It is believed that chemical storage and subsequent spillage occurred in this portion of the site.

   If additional information is submitted indicating that other parties caused or permitted any waste to be discharged on the Site where it entered or could have entered waters of the State, the Board will consider adding those parties to this Order

4. **Regulatory Status:** This site was subject to Site Cleanup Requirements (Order No. 95-141) adopted June 21, 1995, and amended on April 11, 1996, to name the Bank of New York Trust Company of California as a discharger.

5. **Site Hydrogeology**: The Site is located on the bay plain, about two miles east of San Francisco Bay at an approximate elevation of 10 feet above mean sea level. The shallow, intermediate, and deep-intermediate water-bearing zones at the site, to 70 feet below ground surface (bgs), are part of the Newark Aquitard. These water-bearing zones are distinct units, but are hydraulically connected to one another. Shallow unconfined groundwater exists beneath the Site at an average depth of seven feet below ground surface (bgs). The shallow sediments underlying the Site consist of silts and clays interbedded with sand lenses to a depth of about 20 feet. From about 20 to 70 feet bgs the lithology is characterized by thickly bedded silts and clays interposed localized thin sand lenses. Local groundwater flows consistently towards the south to south-southeast. The shallow and intermediate water bearing zones at this site have elevated total dissolved solids (> 1,500 ppm) and low yields (<2gpm), rendering them poor candidate for domestic or municipal water supplies.

6. **Remedial Investigation**: Elevated concentrations of Trichloroethylene (TCE) and other volatile organic chemicals are found in soil and groundwater below and in the vicinity of the Site. Several soil and groundwater investigations, including a soil gas survey, have been performed at the Site and the nearby properties since 1987. In 1987, Woodward Clyde Consultants conducted a soil and groundwater investigation for the neighboring

downgradient property and found TCE concentration at 140,000 ppb in groundwater in a well (WC-2) located, next to the Site boundary, on the Utah Fund property. Despite the elevated level of TCE in groundwater, there was no TCE detected in shallow soil samples. In May 1988, consultants to the Dischargers conducted a soil and groundwater investigation on Site and reported that 2,000 ppb of TCE was detected in a groundwater sample collected from a monitoring well located at the southwestern corner. Soil sample data from that boring indicate that total VOC concentrations decrease from 11,580 ppb at 1.5 feet bgs to 141 ppb at 10 feet bgs. No similar pollutants were detected in one upgradient and two cross-gradient wells. Subsequent soil and groundwater investigations by various consultants for the Dischargers and their immediate downgradient neighborhood provided abundant pollutant data. Soil VOC concentrations decrease with depth in most of the borings on Site, but increase with depth in other off-site boring locations. This indicates that groundwater pollution was generated from the Site near the southwestern corner.

Fifty-five soil borings have been drilled on and in the vicinity of the Site, with one deep-intermediate water-bearing zone, three intermediate zone, and twenty-five shallow zone borings being converted to groundwater monitoring wells to define the extent of the VOC plume. The distribution of groundwater pollution follows the groundwater flow pattern, with the highest total VOC concentrations at the southwestern corner of the Site and its vicinity. Volatile organic chemicals are also detected in the intermediate zone well. The groundwater TCE plume apparently has extended more than 700 feet from the source area and has dispersed to a lateral dimension of about 300 feet. Subsequent subsurface investigations have shown that the VOC-impacted groundwater is limited to the shallow and intermediate water-bearing zones, from seven to 30 feet below ground surface.

Hydraulic tests have been conducted on and off-Site by the Dischargers to assess the subsurface hydrogeologic conditions below the Site. A well survey within a half-mile of the Site was conducted by the Dischargers and found no downgradient wells currently used for water supply.

All remedial investigations required at the Site have been completed.

7. **Adjacent Sites**: The upgradient property, currently occupied by Alumtreat, has a history of major inorganic chemical spills. Previous tenants on this property reportedly operated metal finishing activities involving wet-chemical processes using acids, bases, and metal solutions. Inorganic solutions containing metals were reportedly illegally dumped in the open field and in the facility in 1985 and 1986. These events of illegal discharge of chemical solutions led to the Alameda County District Attorney's actions against Anomet, the preceding tenant before Alumtreat. The pollution at this site has not migrated onto the Wachovia site.

8. **Interim Remedial Measures**: Soil and groundwater interim remedial measures were implemented at this site to reduce the threat to water quality, public health, and the

environment posed by the discharge of waste and to provide a technical basis for selecting and designing final remedial measures.

Unsaturated VOC-impacted soil was excavated to 6.5 to 7.0 feet bgs from the source area, in the southwest corner of the site. Subsequent confirmation sampling verified that no VOC-impacted soil above 1 ppm is present at the site.

Shallow groundwater extraction and treatment was implemented at the site in May 1997 and continues to operate. Quarterly monitoring has shown a decrease in VOC concentrations in groundwater at the site and at the adjacent down-gradient property. TCE in groundwater has been reduced from a high of 140,000 ppb in May of 1997 to 2,200 ppb in July of 1999 in the source area.

9. **Feasibility Study**: The dischargers performed a feasibility study which presented four remedial alternatives:

- **Alternative 1**. No action. This entails cessation of groundwater monitoring and treatment.

- **Alternative 2**. Monitored natural attenuation. This includes continued monitoring groundwater to document the decrease in contaminant concentration and the presence of breakdown products of the contaminant, and institutional controls to protect human health.

- **Alternative 3**. Groundwater extraction and monitoring. This is a continuation of the interim remedial action already in place; groundwater extraction from the shallow water-bearing zone, groundwater monitoring, and institutional controls.

- **Alternative 4.** Expanded groundwater extraction and monitoring. This includes groundwater extraction from the shallow and intermediate water-bearing zones and continued monitoring.

Experience at groundwater cleanup sites has shown that MCLs are rarely reached by pump and treat methods. The dischargers have removed the impacted soil from the site so there is no on-going source for the VOC contamination. Groundwater extraction and treatment performed at the site to date has reduced the VOC concentrations in groundwater to levels that are appropriate for natural attenuation. Groundwater monitoring has confirmed the presence of breakdown (daughter) products of the VOCs indicating that natural attenuation is occurring at the site. Natural attenuation will reduce the VOC concentrations to MCLs within a reasonable time frame, 25 to 50 years. There is no anticipated or probable use of groundwater foreseen in the site vicinity during this period. Cleanup to these levels will result in acceptable residual risk to

humans and the environment. Based on this information, shutting down the interim remedial system is warranted. Alternative 1 is not acceptable because there is no way to verify the fate of the contaminants in the subsurface. Fate and transport modelling indicates that plume stability and a decrease in concentrations of VOCs is similar over a twenty five year period for both Alternatives 2 and 3. Alternative 4 is shown to decrease the mass of VOCs in a shorter time frame, approximately fifteen years, but is significantly more costly. Consequently, Alternative 2, monitored natural attenuation of the VOCs in groundwater and institutional controls, has been selected for the final remedial action. These actions will be protective of human health and the environment in a cost-effective and timely manner.

10. **Cleanup Plan**: The cleanup plan, Alternative 2 of finding 9, as presented in the Proposed Final Remedial Action Plan, dated April 30, 1999, by EMCON, includes 1) drilling three additional borings, 2) implementing institutional controls, 3) implementing a monitored natural attenuation program, 4) and a five year status review. The three borings have already been completed and have confirmed that the VOC impacted groundwater does not extend further than 30 feet below ground surface.

11. **Risk Assessment**: The risk assessment (RA) evaluated the potential risks associated with exposure to VOC-impacted groundwater at the Site and Site vicinity. The RA evaluates potential exposure scenarios and potential receptors. Based on current land use and information obtained from the City of Hayward Planning Department it is apparent that this site and the surrounding sites will remain zoned for industrial use for at least the next 25 years. There are no down gradient water production wells that could be impacted by the VOC plume originating at the Site. The nearest surface water body to the Site is Mt. Eden Creek, approximately 3,000 feet down gradient. Fate and transport modelling performed for the RA show that this creek is not a potential receptor for the VOC plume.

    The shallow and intermediate water-bearing zones at the site, to 70 feet below ground surface (bgs), are part of the Newark Aquitard. The shallow and intermediate water bearing zones at this site have elevated total dissolved solids ($>1,500$ ppm) and low yields (<2gpm), rendering them poor candidate for domestic or municipal water supplies. The vertical extent of VOC impacted groundwater is approximately 30 feet bgs with another 70 feet of aquitard material present before reaching the Newark Aquifer equivalent, the first water producing zone available for domestic or municipal use. It can be concluded that there is little to no potential future use of the shallow and intermediate water-bearing zones at the site. Additionally the VOC contamination in the shallow and intermediate water bearing zone does not pose a threat to the deeper (>100 feet bgs) potential water production aquifer.

Because the VOC-impacted soils have been removed from the site, the shallow groundwater is considered as the primary source for the chemicals of concern (COCs). Additionally, because the highest concentrations of the COCs occur beneath Utah Fund site down gradient of the Site, the RA addressed exposure to the workers at that site. The Utah Fund site is a commercial/industrial facility located adjacent to the Site. The only potential mechanism for exposure to the COCs by workers at the Utah Fund site is through volatilization from the shallow ground water to indoor and outdoor air. The results of the risk calculations for current and future workers at the Utah Fund site show that the combined non-cancer risk (hazard Quotient) to workers at the Utah Fund site is less than 1, and the excess cancer risk does not exceed $1x10^{-5}$. Based on these calculations, and as long as land use in the site vicinity remains commercial, the VOCs in the shallow groundwater do not pose a threat to human health.

Board staff agrees that the only complete exposure pathway is volatilization of VOCs from shallow groundwater to indoor and outdoor air. Board staff accepts the conclusion of the risk assessment that VOCs in shallow groundwater at the site do not pose a threat to human health or the environment. For comparison, the Board considers the following risks to be acceptable at remediation sites: a hazard index of 1.0 or less for non-carcinogens, and an excess cancer risk of 10^{-4} or less for carcinogens.

Due to excessive risk (potential future use of the shallow groundwater for drinking water purposes) that will be present at the site pending full remediation, institutional constraints are appropriate to limit on-site exposure to acceptable levels. Institutional constraints include a deed restriction that notifies future owners of sub-surface contamination and prohibits the use of shallow groundwater beneath the site as a source of drinking water until cleanup standards are met. Additionally, the institutional controls include annual notification to the down-gradient property owners regarding the VOC-impacted groundwater originating from the Site.

12. **Basis for Cleanup Standards**

a. **General**: State Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge and requires attainment of background levels of water quality, or the highest level of water quality which is reasonable if background levels of water quality cannot be restored. Cleanup levels other than background must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives. This order and its requirements are consistent with Resolution No. 68-16.
State Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304,"

applies to this discharge. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

b. **Beneficial Uses**: The Board adopted a revised Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on July 20, 1995, and November 13, 1995, respectively. A summary of regulatory provisions is contained in Title 23, California Code of Regulations, Section 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and groundwaters.

Board Resolution No. 89-39, "Sources of Drinking Water," defines potential sources of drinking water to include all groundwater in the region, with limited exceptions for areas of high TDS, low yield, or naturally-high contaminant levels. Groundwater underlying and adjacent to the site qualifies as a potential source of drinking water.

The Basin Plan designates the following potential beneficial uses of groundwater underlying and adjacent to the site:

o Municipal and domestic water supply
o Industrial process water supply
o Industrial service water supply
o Agricultural water supply

At present, there is no known use of groundwater underlying the site for the above purposes.

c. **Basis for Groundwater Cleanup Standards**: The groundwater cleanup standards for the site are based on applicable water quality objectives and are the more stringent of EPA and California primary maximum contaminant levels (MCLs).

13. **Future Changes to Cleanup Standards**: The goal of this remedial action is to restore the beneficial uses of groundwater underlying and adjacent to the site. Results from other sites suggest that full restoration of beneficial uses to groundwater as a result of active remediation at this site may not be possible. If full restoration of beneficial uses is not technologically nor economically achievable within a reasonable period of time, then the discharger may request modification to the cleanup standards or establishment of a containment zone, a limited groundwater pollution zone where water quality

objectives are exceeded. Conversely, if new technical information indicates that cleanup standards can be surpassed, the Board may decide that further cleanup actions should be taken.

14. **Reuse or Disposal of Extracted Groundwater**: Board Resolution No. 88-160 allows discharges of extracted, treated groundwater from site cleanups to surface waters only if it has been demonstrated that neither reclamation nor discharge to the sanitary sewer is technically and economically feasible. The dischargers have complied with Board Resolution No. 88-160.

15. **Basis for 13304 Order**: The dischargers have caused or permitted waste to be discharged or deposited where it is or probably will be discharged into waters of the State and creates or threatens to create a condition of pollution or nuisance.

16. **Cost Recovery**: Pursuant to California Water Code Section 13304, the dischargers are hereby notified that the Board is entitled to, and may seek reimbursement for, all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this order.

17. **CEQA**: This action is an order to enforce the laws and regulations administered by the Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.

18. **Notification**: The Board has notified the discharger and all interested agencies and persons of its intent under California Water Code Section 13304 to prescribe site cleanup requirements for the discharge, and has provided them with an opportunity to submit their written comments.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers (or their agents, successors, or assigns) shall cleanup and abate the effects described in the above findings as follows:

A. PROHIBITIONS

1. The discharge of wastes or hazardous substances in a manner which will degrade water quality or adversely affect beneficial uses of waters of the State is prohibited.

2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.

3. Activities associated with the subsurface investigation and cleanup which will cause significant adverse migration of wastes or hazardous substances are prohibited.

B. CLEANUP PLAN AND CLEANUP STANDARDS

1. **Implement Cleanup Plan**: The dischargers shall implement the cleanup plan described in finding 10.

2. **Groundwater Cleanup Standards**: The following groundwater cleanup standards shall be met in all wells identified in the Self-Monitoring Program:

Constituent	Standard (ug/l)	Basis
TCE	5	California MCL
Cis-1,2-DCE	6	California MCL
Vinyl Chloride	0.5	California MCL

C. TASKS

1. PROPOSED INSTITUTIONAL CONSTRAINTS

COMPLIANCE DATE: December 30, 1999

Submit a technical report acceptable to the Executive Officer documenting procedures to be used by the dischargers to prevent or minimize human exposure to soil and groundwater contamination prior to meeting cleanup standards. Such procedures shall include a deed restriction prohibiting the use of shallow groundwater as a source of drinking water, and periodic notification to the affected down-gradient property owners regarding VOC contaminated groundwater originating from the Site.

2. IMPLEMENTATION OF INSTITUTIONAL CONSTRAINTS

COMPLIANCE DATE: 60 days after Executive Officer approval

Submit a technical report acceptable to the Executive Officer documenting that the proposed institutional constraints have been implemented.

3. **FIVE-YEAR STATUS REPORT**

COMPLIANCE DATE: October 30, 2004

Submit a technical report acceptable to the Executive Officer evaluating the effectiveness of the approved cleanup plan. The report should include:

a. Summary of effectiveness in controlling contaminant migration and protecting human health and the environment
b. Comparison of contaminant concentration trends with cleanup standards
c. Comparison of anticipated versus actual costs of cleanup activities
d. Performance data (e.g. groundwater volume extracted, chemical mass removed, mass removed per million gallons extracted)
e. Cost effectiveness data (e.g. cost per pound of contaminant removed)
f. Summary of additional investigations (including results) and significant modifications to remediation systems
g. Additional remedial actions proposed to meet cleanup standards (if applicable) including time schedule

If cleanup standards have not been met and are not projected to be met within a reasonable time, the report should assess the technical practicability of meeting cleanup standards and may propose an alternative cleanup strategy.

4. **RESUMPTION OF ACTIVE GROUNDWATER REMEDIATION**

COMPLIANCE DATE: 90 days after requested by Executive Officer

Submit a technical report acceptable to the Executive Officer documenting the resumption of active groundwater remediation. Such a request by the Executive Officer would be based on evidence of significant VOC migration or significant increases in VOC concentrations in groundwater.

5. **EVALUATION OF NEW HEALTH CRITERIA**

COMPLIANCE DATE: 90 days after requested by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating the effect on the approved cleanup plan of revising one or more cleanup standards in response to revision of drinking water standards, maximum contaminant levels, or other health-based criteria.

6. **EVALUATION OF NEW TECHNICAL INFORMATION**

COMPLIANCE DATE: 90 days after requested by Executive Officer

Submit a technical report acceptable to the Executive Officer evaluating new technical information which bears on the approved cleanup plan and cleanup standards for this site. In the case of a new cleanup technology, the report should evaluate the technology using the same criteria used in the feasibility study. Such technical reports shall not be requested unless the Executive Officer determines that the new information is reasonably likely to warrant a revision in the approved cleanup plan or cleanup standards.

7. **Delayed Compliance**: If the dischargers are delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the dischargers shall promptly notify the Executive Officer and the Board may consider revision to this Order.

D. **PROVISIONS**

1. **No Nuisance**: The storage, handling, treatment, or disposal of polluted soil or groundwater shall not create a nuisance as defined in California Water Code Section 13050(m).

2. **Good O&M**: The dischargers shall maintain in good working order and operate as efficiently as possible any facility or control system installed to achieve compliance with the requirements of this Order.

3. **Cost Recovery**: The dischargers shall be liable, pursuant to California Water Code Section 13304, to the Board for all reasonable costs actually incurred by the Board to investigate unauthorized discharges of waste and to oversee cleanup of such waste, abatement of the effects thereof, or other remedial action, required by this Order. If the site addressed by this Order is enrolled in a State Board-managed reimbursement program, reimbursement shall be made pursuant to this Order and according to the procedures established in that program. Any disputes raised by the dischargers over reimbursement amounts or methods used in that program shall be consistent with the dispute resolution procedures for that program.

4. **Access to Site and Records**: In accordance with California Water Code Section 13267(c), the dischargers shall permit the Board or its authorized representative:

a. Entry upon premises in which any pollution source exists, or may potentially exist, or in which any required records are kept, which are relevant to this Order.

b. Access to copy any records required to be kept under the requirements of this Order.

c. Inspection of any monitoring or remediation facilities installed in response to this Order.

d. Sampling of any groundwater or soil which is accessible, or may become accessible, as part of any investigation or remedial action program undertaken by the dischargers.

5. **Self-Monitoring Program**: The dischargers shall comply with the Self-Monitoring Program as attached to this Order and as may be amended by the Executive Officer.

6. **Contractor / Consultant Qualifications**: All technical documents shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.

7. **Lab Qualifications**: All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Board using approved EPA methods for the type of analysis to be performed. All laboratories shall maintain quality assurance/quality control (QA/QC) records for Board review. This provision does not apply to analyses that can only reasonably be performed on-site (e.g. temperature).

8. **Document Distribution**: Copies of all correspondence, technical reports, and other documents pertaining to compliance with this Order shall be provided to the following agencies:

   a. City of Hayward, Fire Department, Hazardous Materials Section.

   The Executive Officer may modify this distribution list as needed.

9. **Reporting of Changed Owner or Operator**: The dischargers shall file a technical report on any changes in site occupancy or ownership associated with the property described in this Order.

10. **Reporting of Hazardous Substance Release**: If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, the dischargers shall report such discharge to the Regional Board by calling (510) 622-2300 during regular office hours (Monday through Friday, 8:00 to 5:00).

A written report shall be filed with the Board within five working days. The report shall describe: the nature of the hazardous substance, estimated quantity involved, duration of incident, cause of release, estimated size of affected area, nature of effect, corrective actions taken or planned, schedule of corrective actions planned, and persons/agencies notified.

This reporting is in addition to reporting to the Office of Emergency Services required pursuant to the Health and Safety Code.

12. **Rescission of Existing Order**: This Order supercedes and rescinds Order No. 95-141 and its amendment dated April 11, 1996.

13. **Periodic SCR Review**: The Board will review this Order periodically and may revise it when necessary.

10/25/99
Date

Lawrence P. Kolb
Assistant Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Attachments: Site Map
Self-Monitoring Program

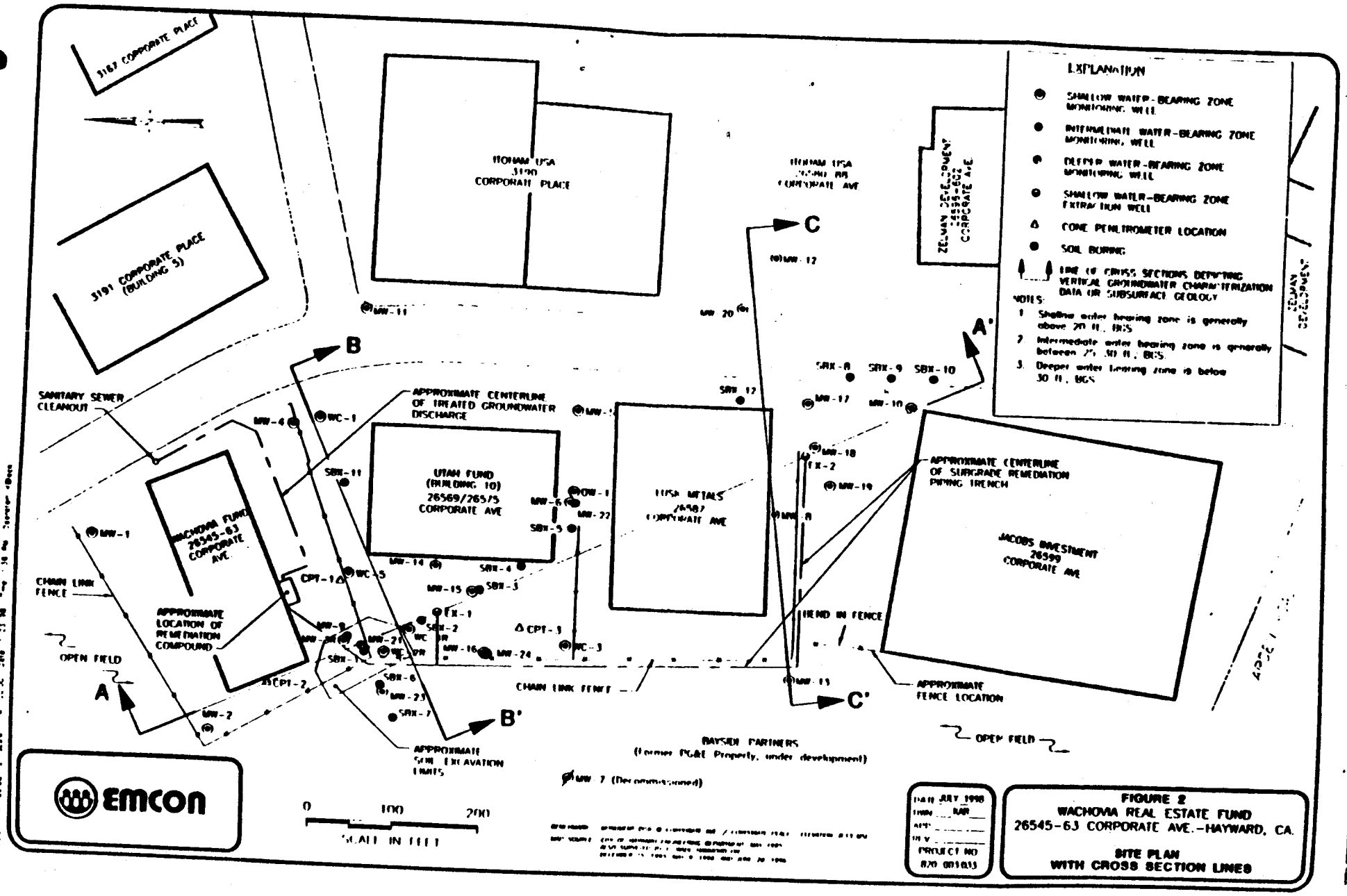

FIGURE 2
WACHOVIA REAL ESTATE FUND
26545-63 CORPORATE AVE.–HAYWARD, CA.

SITE PLAN
WITH CROSS SECTION LINES

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

SELF-MONITORING PROGRAM FOR:

WACHOVIA REAL ESTATE FUND, AND
WACHOVIA BANK OF NORTH CAROLINA, N.A., AND
BANK OF NEW YORK TRUST COMPANY OF CALIFORNIA, AND
ORTON DEVELOPMENT, INC.

for the property located at

26545-63 CORPORATE AVENUE,
HAYWARD, ALAMEDA COUNTY

1. **Authority and Purpose**: The Board requests the technical reports required in this Self-Monitoring Program pursuant to Water Code Sections 13267 and 13304. This Self-Monitoring Program is intended to document compliance with Board Order No. 99-091 (site cleanup requirements).

2. **Monitoring**: The dischargers shall measure groundwater elevations semi-annually in all monitoring wells, and shall collect and analyze representative samples of groundwater according to the table in Appendix I.

   The dischargers shall sample any new monitoring or extraction wells semi-annually and analyze groundwater samples for the same constituents as shown in the above table. The dischargers may propose changes in the above table; any proposed changes are subject to Executive Officer approval.

3. **Semi-Annual Monitoring Reports**: The dischargers shall submit semi-annual monitoring reports to the Board no later than 30 days following the end of the half year (e.g. report for first half of the year due July 30). The first semi-annual monitoring report shall be due on January 30, 2000. The reports shall include:

   a. Transmittal Letter: The transmittal letter shall discuss any violations during the reporting period and actions taken or planned to correct the problem. The letter shall be signed by the discharger's principal executive officer or his/her duly authorized representative, and shall include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.

b. Groundwater Elevations: Groundwater elevation data shall be presented in tabular form, and a groundwater elevation map should be prepared for each monitored water-bearing zone. Historical groundwater elevations shall be included in the second report each year.

c. Groundwater Analyses: Groundwater sampling data shall be presented in tabular form, and an isoconcentration map should be prepared for one or more key contaminants for each monitored water-bearing zone, as appropriate. The report shall indicate the analytical method used, detection limits obtained for each reported constituent, and a summary of QA/QC data. Historical groundwater sampling results shall be included in the second report each year. The report shall describe any significant increases in contaminant concentrations since the last report, and any measures proposed to address the increases. Supporting data, such as lab data sheets, need not be included (however, see record keeping - below).

d. Groundwater Extraction: If applicable, the report shall include groundwater extraction results in tabular form, for each extraction well and for the site as a whole, expressed in gallons per minute and total groundwater volume for the quarter. The report shall also include contaminant removal results, from groundwater extraction wells and from other remediation systems (e.g. soil vapor extraction), expressed in units of chemical mass per day and mass for the quarter. Historical mass removal results shall be included in the second report each year.

e. Status Report: The semi-annual report shall describe relevant work completed during the reporting period (e.g. site investigation, interim remedial measures) and work planned for the following half year.

5. **Violation Reports**: If the dischargers violates requirements in the Site Cleanup Requirements, then the dischargers shall notify the Board office by telephone as soon as practicable once the dischargers have knowledge of the violation. Board staff may, depending on violation severity, require the dischargers to submit a separate technical report on the violation within five working days of telephone notification.

6. **Other Reports**: The dischargers shall notify the Board in writing prior to any site activities, such as construction or underground tank removal, which have the potential to cause further migration of contaminants or which would provide new opportunities for site investigation.

7. **Record Keeping**: The dischargers or his/her agent shall retain data generated for the above reports, including lab results and QA/QC data, for a minimum of six years after origination and shall make them available to the Board upon request.

8. **SMP Revisions**: Revisions to the Self-Monitoring Program may be ordered by the Executive Officer, either on his/her own initiative or at the request of the dischargers. Prior to making SMP revisions, the Executive Officer will consider the burden, including costs, of associated self-monitoring reports relative to the benefits to be obtained from these reports.

10/25/99
Date

Lawrence P. Kolb
Assistant Executive Officer

Attachment: Appendix I

APPENDIX 1

Self-Monitoring Schedule for Wachovia Real Estate Fund Property Site

WELL #	SAMPLING FREQUENCY	ANALYSES	WELL #	SAMPLING FREQUENCY	ANALYSES
MW-1	S/A	8010	MW-16	S/A	8010
MW-2	S/A	8010	MW-17	S/A	8010
MW-3	S/A	8010	MW-18	S/A	8010
MW-4	S/A	8010	MW-19	S/A	8010
MW-5	S/A	8010	MW-20	S/A	8010
MW-6	S/A	8010	MW-21	S/A	8010
MW-8	S/A	8010	MW-22	S/A	8010
MW-9	S/A	8010	MW-23	S/A	8010
MW-10	S/A	8010	MW-24	S/A	8010
MW-11	S/A	8010	WC-1	S/A	8010
MW-12	S/A	8010	WC-2R	S/A	8010
MW-13	S/A	8010	WC-3	S/A	8010
MW-14	S/A	8010	WC-4R	S/A	8010
MW-15	S/A	8010	WC-5	S/A	8010

Key: S/A = Semi-Annually
8010 = EPA Method 8010 or equivalent